

**REMARKS/ARGUMENTS**

Claims 35-38, 40-50, 52-57, 59-64, and 66-68 are pending.

The Office Action rejected claims 35-40, 42-44, 46-52, and 54-68 under 35 U.S.C. §102(e) as being anticipated by Ogikubo, U.S. Patent Publication No. 2003/0063528. It is noted that claims 39, 51, 58, and 65 were canceled in the Amendment filed May 12, 2009. This rejection is respectfully traversed in so far as it applies to the pending claims.

Independent claims 35, 47, 55, and 62 recite, *inter alia*, that the plurality of resume marks each further comprises program identification information for the associated program. Independent claim 44 recites, *inter alia*, that the resume mark comprises a program ID configured to identify the associated program. Ogikubo does not disclose or suggest such features, or the respective claimed combinations of independent claims 35, 44, 47, 55, and 62.

That is, the Examiner asserted that the stored user information is used as a program identification information, referring to FIG. 2, and paragraphs [0056] and [0076] of Ogikubo. However, Ogikubo discloses in paragraph [0007] that:

In this case, as an optical disk is borrowed or lent, the resume information of another person is referred. That is, if one person plays back an optical disk borrowed from another person, the optical disk is played back starting at the position at which the owner of the optical disk previously stopped playing back the optical disk. Further, the position at which the person borrowing the optical disk stops playing back the borrowed optical disk is recorded on the optical disk as resume information and consequently the inconvenience of rewriting the resume information of the owner of the optical disk occurs.

Also, Ogikubo discloses in paragraph [0008] that “[i]t is therefore an object of the invention to provide an information record and playback apparatus having a resume function wherein user information is used to manage resume information for each user, thereby inhibiting reference to the resume information of any other person occurring as a record medium is lent or borrowed.”

As such, Ogikubo is directed to solving the inconvenience that occurs when many people use one disk, and thus, it is important to differentiate the many users from each other. For example, when a single program is recorded on the disk, program identification information is useless in Ogikubo. Of course, although two or more programs may be recorded on the disk, what is important is to differentiate users from each other, not to differentiate programs from each other.

Further, referring to paragraph [0076] of Ogikubo, “the user information is the user ID, etc., entered by the user himself or herself, but machine information of the information record and playback apparatus or the like can also be used as the user information.” It follows that machine information of the information record and playback apparatus owned by each of the users can be used as the user information. The machine information is an example of information used to differentiate the users from each other. Therefore, program identification information is useless, and thus, not disclosed in Ogikubo.

For at least these reasons, Applicants respectfully disagree that the stored user information is program identification information. Accordingly, the rejection of independent claims 35, 44, 47, 55, and 62 over Ogikubo should be withdrawn. Dependent claims 36-38, 40,

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42-43, 46, 48-50, 52, 54, 56-57, 59-61, 63-64, and 66-68 are allowable over Ogikubo at least for the reasons discussed above with respect to independent claims 35, 44, 47, 55, and 62 from which they respectively depend, as well as for their added features.

The Office Action rejected claims 41, 45, and 53 under 35 U.S.C. §103(a) as being unpatentable over Ogikubo in view of Well Known Knowledge of the art. The rejection is respectfully traversed.

Dependent claims 41, 43, and 45 are allowable over Ogikubo at least for the reasons discussed above with respect to independent claims 35, 44, and 55, from which they respectively depend, as well as for their added features. Accordingly, this rejection should be withdrawn.

### **CONCLUSION**

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance are earnestly solicited.

If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney at the telephone number listed below.

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To the extent necessary, a petition for an extension of time under 37 C.F.R. §1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,  
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